

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

ROCHESTER DRUG CO-OPERATIVE, INC.,

Plaintiff,

vs.

HISCOX INSURANCE COMPANY, INC.,

Defendant.

**NOTICE OF MOTION FOR
A PRELIMINARY
INJUNCTION**

6:20-cv-6025 (EAW)

PLEASE TAKE NOTICE that, upon the annexed Declaration of Patrick M. Tomovic, dated January 20, 2020, Declaration of David A. Shaiman, dated January 17, 2020, the Declaration of John Kinney, dated January 20, 2020, the Complaint, dated January 10, 2020 and exhibits thereto, and the accompanying Memorandum of Law in Support of Plaintiff's Preliminary Injunction, dated January 21, 2020, Plaintiff Rochester Drug Co-Operative, Inc. ("Rochester Drug Co-Op"), will move this Court before the Honorable Elizabeth A. Wolford, United States District Court Judge, at the United States Courthouse, 100 State Street, Rochester, New York 14614, on a date and time to be set by the Court, **for an Order pursuant to F.R.C.P. 65(a)**, ordering that, through the conclusion of the March 20, 2020 trial and any post-trial briefing in the following cases:

- a. *The People of the State of New York, by Letitia James, Attorney General of the State of New York v. Purdue Pharma L.P.*, Index No. 400016/2018;
- b. *County of Nassau v. Purdue Pharma, L.P., et al.*, Index No. 400008/2017; and
- c. *County of Suffolk v. Purdue Pharma L.P., et al.*, Index No. 613760/2016 (collectively, the "Trial Cases")

Hiscox Insurance Company, Inc. is enjoined and restrained from:

- a. Dishonoring Rochester Drug Co-Op's right to the advancement of current and future defense costs, inclusive of attorneys' fees, discovery expenses, and expert fees; and
- b. Refusing to advance reasonable defense costs in the Trial Cases.

Dated: January 21, 2020
Buffalo, New York

HARTER SECREST & EMERY LLP

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